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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 GUILLERMO TRUJILLO CRUZ,

Case No. 2:18-cv-00693-RFB-VCF

10 Plaintiff,

ORDER

11 v.

12 B. SMITH, *et al.*,

13 Defendants.

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15 I.DISCUSSION

16 On April 16, 2018, Plaintiff, who is a prisoner in the custody of Kern Valley State  
17 Prison, filed an application to proceed *in forma pauperis* and submitted an affidavit with  
18 exhibits. (ECF No. 1, 1-1). Plaintiff did not file a complaint in this matter.

19 On April 19, 2018, the Court ordered Plaintiff to submit a complaint to the Court  
20 within thirty days and warned him that the failure to timely comply with that order might  
21 result in the dismissal of this case. (ECF No. 2 at 2). The thirty-day period has expired  
22 and Plaintiff has not filed a complaint.

23 Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by  
24 filing a complaint with the court.” Fed. R. Civ. P. 3. Because Plaintiff still has not filed a  
25 complaint in this matter, the Court dismisses this case without prejudice and denies the  
26 application to proceed *in forma pauperis* as moot.

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1      **II. CONCLUSION**

2            For the foregoing reasons, IT IS ORDERED that a decision on the application to  
3 proceed *in forma pauperis* (ECF No. 1) is denied as moot.

4            IT IS FURTHER ORDERED that the case is dismissed without prejudice.

5            IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment  
6 accordingly and close this case.

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8            DATED this 31st day of May, 2018.



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10            RICHARD F. BOULWARE, II  
11            UNITED STATES DISTRICT JUDGE

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